

BFM Rules, 152 to 165

(III) FIRE OFFENCES AND FIRE PROTECTION.

[S. 26 (l) (b) and (c), 32 (h) and 33 (d) and (e).]

152. Fire offences should not as a rule be compounded. - In cases involving injury to forests by fire the provisions of S.68, I.F.A., should only be applied cautiously and for very special reasons; any action which might tend to foster in the mind of an ignorant population the idea that firing of the forests, whether of set purpose or through culpable negligence, is not a serious offence, or one which in the opinion of Government calls for vigorous suppression, is manifestly to be deprecated. S.68 was enacted to meet the case of petty offences, like illicit removal of forest produce; but cases in which considerable damage is caused by fire to reserved forests certainly do not fall within this category.

(R.4548 of 24.6.1893.)

153. Duties of Magistrates when trying offenders in forest fire case. - The following instructions are laid down for the guidance of all Magistrates in the Province:-

(1) The setting fire to a reserved forest is a very serious offence, and as such merits severe notice. It is not the actual damage caused at the time that is to be considered, but the injury caused to Government and the people in general by the destruction of the young forest growth and the consequent delay in afforesting the treeless reserves.

(2) There is reason to believe that some Magistrates consider the offence a venial one owing to the absence of any 'intention' on the part of the offender. It is not necessary, however, under the Forest Act that intention should be proved. Carelessness in the use of fire by which a reserve is burnt is equally an offence, but in the meting out of punishment a distinction can be made if the Magistrate sees fit.

(3) All Magistrates should be careful in dealing with such forest cases. Forest fires are unhappily but too frequent, and in most cases it is very difficult to discover their origin, but when an accused has been convicted, the above-stated considerations should not be lost sight of, and when the circumstances establish

either deliberate intention or very gross carelessness and disregard of ordinary precautions, it is obvious that the punishment awarded should be adequate.

(G.I. 139 of 5.2.1892).

154. Regarding findings of Magistrates in fire cases. - The statistical information furnished as regards punishments awarded by the Magistracy for forest offences requires explanation. It has been pointed out by Government that the principal factor in determining the gravity of a forest offence is not the extent of damage committed but the degree of malice or culpable negligence disclosed, and it has been directed that the classification of offences of incendiarism should be based on the Magistrate's opinion. The District Magistrate should pay special attention to this class of cases, call for the proceedings, and examine carefully the grounds upon which the punishments have been determined. The experiment of sending at least a proportion of cases believed to be "malicious" to First Class Magistrates, may be tried. Government trusts that in reporting results the orders of Government will be more closely followed, and that the statistics supplied will be compiled more intelligently.

(R.3805 of 12.6.1903).

155. Fire Tracing. - Wherever fire-paths are required in the interests of forest conservancy they must be provided by the Forest Department and not at the expense of the occupants of the lands bordering on forests or within forest limits. The Forest Department must rely mainly on the exertions of its own establishments for guarding the forests against damage. The establishment of the "coupe" system under which felling is restricted in each season to specified blocks of forest and entirely prohibited elsewhere, must make conservancy more easy than it was when felling was allowed indiscriminately in all parts of the forests.

(R.7108 of 6.9.1892).

156. Villagers employed on forest works to be paid at market rates. -

(i) Villagers should not be compelled to carry out forest works such as plantation works, burning of fire-lines and clearing of boundaries. Where they are not bound to do such work in return for the privileges enjoyed by them the work should invariably be paid for either by daily wages at the market rates or by piece

work rates so calculated as to give a suitable daily wage. (R.8654/24 of 6.4.1927).

(ii) The wages should not be paid to the village patel in lump for distribution among the labourers but to the individual labourers direct.

(R.L.C. 5536-D of 26.6.1936 and 3449/33 of 24.2.1938).

157. Continuous protection of valuable forest from fire. - The success of fire protection must depend to some extent on the nature of the tract, the attitude of the people and the season. The characteristics of the system of fire protection in this Province as compared with other Provinces are a very low rate of expenditure per square mile, a high percentage of area attempted and high proportion of failure to that area. The successful protection for a term of years of a comparatively small area of valuable forest appears to the Government to be of greater importance than imperfect protection of a large area, of which perhaps only an inconsiderable portion enjoys continuous immunity for any length of time. Information on this point should be given in the annual administration reports. It should be stated for each circle what area has been completely protected for seven years or more.

(R.3868 of 9.6.1902).

158. Communal punishment for bad fires in exceptional cases.- The system of communal punishment on account of bad fires in villages should be adopted in exceptional cases, and that too with the sanction of Government. Villages in which fires have been frequent or extensive should be selected and the villagers thereof assembled with a view to a formal warning being issued in the first instance by the Mamlatdar or R.F.O. or when possible by the D.F.O. and Sub-D.F.O. in person, to bring home to the village community as a whole its responsibility for the well-being of the forests in its vicinity. In cases where serious and repeated neglect by a village of its responsibilities is proved to the satisfaction of the D.F.O. and the Collector, recommendations should be made to Government to enable them to inflict punishment on the village concerned in such manner as they deem fit.

(R.6389/24 of 16.5.1927 & 8654/24 of 29.7.1932 and 6.2.1939).

159. Duties of village officers with regard to fire protection. - The principal hope of fire protection rests in the co-operation of the inhabitants of forest villages, and this co-operation can best be secured through the authority and influence of the village headmen. It is necessary therefore that the assistance of the village headmen should be gained whether through the fear of punishment or the hope of reward. Either punishment or reward should be meted out, and speedily, according to desert. If forest fires are frequent in a village, and if the patel does not lend his personal aid, or require the villagers to assist in extinguishing them, he should be regarded as having neglected the duty incumbent upon him of protecting Government property, and should be punished under section 58 of the Watan Act III of 1874, with fine, suspension or dismissal as the case demands. If, on the other hand, he renders conspicuous service, he should receive a suitable reward in the shape of a turban or silver bangle or some other gift likely to be appreciated to be publicly presented to him by the Collector or Assistant or Deputy Collector.

(R. 4101 of 29.6.1900).

160. Rewards for help in fire-protection and powers of officers to sanction them. - Rewards may be granted to villagers who assist the forest department in protecting the forests from fire. The D.F.O. concerned should submit recommendations to the sanctioning authority regarding the form of reward suitable in each case, within the budget allotment sanctioned for the purpose.

(R.558-D/28 of 17.4.1939).

The powers of officers to sanction rewards in such cases are detailed in Serial No.4 (3) of the Manual of Financial Powers (F.P.VII).

161. Money rewards to forest officials for extinguishing fires not to be given. - The Government of India doubt the advisability, save under very special circumstances, of giving rewards in money to forest officials who aid in extinguishing fires in the forests under their charge. Such work forms a material part of their ordinary duties, for the due performance of which they are entertained and for which they receive their pay. Fires are of frequent occurrence in the forests of most provinces and the labour involved in extinguishing them is often very severe. Yet the grant of pecuniary rewards to the forest establishment has never before been proposed. In other provinces a turban or other small

present has occasionally been bestowed as a mark of appreciation by Government for such work when it has been of an uncommon or specially arduous character. In other cases the cost of shoes and clothes burnt whilst putting out the fire has been reimbursed by Government. The G.I. are not without apprehension that if the system of giving money rewards to forest officials for performing what is part of their ordinary duties is once introduced, it may become difficult to decide where to draw the line. It would therefore in their opinion be preferable if in future those men who did the best work in fire protection during each season were rewarded by being singled out for advancement in their class or grade.

(R. 5147 of 9.7.1897).

162. Power of Commissioner, C.D., to grant rewards to Akrani villagers for good fire protection. - The Commissioner, Central Division, is empowered to sanction payment of the following rewards without reference to Government :-

Grant to the inhabitants of Akrani villages of a reward of Rs.4 per mile of outer forest boundary fire traces which are done by them without payment, provided that fire protection in their villages is good.

A reward of Rs.4 in addition to the annual emolument of Re.1 to the patils of the Akrani villages for services performed as patils, provided that fire protection in their respective villages is good.

(R.8885 of 3.10.1910).

163. Fire protection in West Khandesh District. - Government approve of the following proposals submitted by the Conservator of Forests, C.C., regarding measures for the prevention of forest fires in the West Khandesh District:-

If the forests are successfully protected from fire in any village or if on the occurrence of a fire the villagers do all in their power to catch the offender and extinguish the fire -

- (a) the villagers who burnt the outer forest fire-line should be paid for such work directly the fire seasons is over;
- (b) the D.F.O. should be empowered to allow the Bhils and other hill tribes of such village for their own use, on permits free or at reduced rate, timber of such kinds as he may deem

advisable. Such timber should be supplied in the manner the D.F.O. may decide to be best so long as the provisions of sanctioned working plan are not interfered with;

- (c) the D.F.O. should be empowered to entertain extra guards on daily wages after a fire has occurred till August 1st following, the one and only duty of these guards being to patrol the burnt areas and see that the order suspending privileges in such areas is not broken.

In the notices issued to villagers it should be made clear that it is incumbent on them to assist in preventing or extinguishing fire whether aid has been demanded by Government officers or not. The continuous and sustained co-operation of the revenue officers in working the plans devised for introducing fire protection should be insisted on. It is essential that when adequate measures are taken by Government officers for such protection offenders should not on conviction be awarded punishments which can have no effect in bringing home to their minds the fact that Government regard the protection of forests from fire as a measure of serious importance which must be enforced. It is the duty of the District Magistrate to see that his subordinate Magistrates understand the position and pass sentences adequate to the gravity of the offence which they find to have been committed.

(R.9764 of 25.9.1908).

164. Fire protection in East Khandesh Division. - Government approve of the following proposals made by the Conservator of Forests, Central Circle, for adoption in the East Khandesh Division with the object of protecting forests from fire:-

- (1) Stoppage of fuel permits to the non-privileged non-forest public.
- (2) Grant of grass permits only between the end of rains and the end of February.
- (3) Payment of market rates for labour employed on fire protection.
- (4) Payment of villagers of non-forest villages for assistance rendered in extinguishing fires.
- (5) Abandonment of the principle of communal responsibility in helping in extinguishing fires and the keeping of lists by the Forest Department of persons who help in fire protection to whom alone these privileges would be continued in the following year.

Government, however, consider that while adopting the system of individual rewards and punishments by the keeping of lists of persons who help in fire protection, it would be desirable to keep the power of enforcing communal responsibility in reserve, to be enforced where there has been a widespread absence of assistance.

(R. 760 of 24.1.1918).

165. Clearance of fire-lines on the boundary between British and Hyderabad State forests. - In clearing the fire-lines on the boundary between British forests and those of the Hyderabad (Deccan) State copies of the respective fire-tracings and previous notice of intended operations should be supplied by the Conservator of Forests, Central Circle and Southern Circle, to His Exalted Highness the Nizam's Government for the guidance of the State Forest officers.

